

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2655**

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**Introduced by Assembly Member Swanson**

February 24, 2012

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~~An act relating to school funding.~~ *An act to amend Section 84810.5 of the Education Code, relating to community colleges.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2655, as amended, Swanson. ~~School funding.~~ *Community colleges: inmate education programs: computation of apportionments.*

*(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as a segment of public postsecondary education in the state.*

*Existing law, notwithstanding open course provisions in statute or regulations of the board of governors, authorizes the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.*

*This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for a governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments, subject to specified limitations.*

(2) Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

*This bill would make revisions to that method of computation.*

*The bill would prohibit a community college district from claiming, under the bill, for purposes of apportionments, a class for which a district receives full compensation for its direct education costs for the conduct of the class from a public or private agency, individual, or group of individuals, and a class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.*

~~Existing law establishes the system of public elementary and secondary schools in this state. Existing law establishes a public school funding system that includes, among other elements, the provision of funding to local educational agencies through state apportionments that are based on calculations of average daily attendance at schools, the proceeds of property taxes collected at the local level, and other sources.~~

~~This bill would state the intent of the Legislature to enact legislation that would authorize school districts to use innovative and creative methods to raise revenue in the local community for purposes of the school districts' educational programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 84810.5 of the Education Code is amended  
2     to read:  
3     84810.5. (a) ~~Notwithstanding open~~ (1) Open course provisions  
4     in statute or regulations of the board of ~~governors, the~~ governors  
5     shall be waived for a governing board of a community college  
6     district that provides classes for inmates of ~~any~~ a city, county, or  
7     city and county jail, road camp, farm for adults, or ~~state or~~ federal  
8     correctional facility may include the units of full-time equivalent  
9     student (FTES) generated in those classes for purposes of state  
10    apportionment. ~~The attendance hours generated by credit or~~  
11    ~~noncredit shall be added and counted for apportionment purposes~~  
12    ~~as noncredit attendance hours.~~ facility. *This section shall not be*  
13    *construed to authorize the waiver of open course provisions in any*

1 *context or situation other than those that are specifically authorized*  
2 *by this section. Subject to limitations set forth in subdivision (b),*  
3 *the board of governors may include the units of full-time equivalent*  
4 *students (FTES) generated in those classes for purposes of state*  
5 *apportionments.*

6 ~~(b) Notwithstanding any other provision of law, no funds for~~  
7 ~~inmate education programs provided pursuant to this section shall~~  
8 ~~be considered as part of the base revenues for community college~~  
9 ~~districts in computing apportionments as prescribed in regulations~~  
10 ~~of the board of governors. When computing apportionments for~~  
11 ~~districts that provided inmate education programs in the 1994-95~~  
12 ~~fiscal year, the student workload measures generated and revenues~~  
13 ~~received for that year shall be added to their noncredit base revenue~~  
14 ~~and noncredit base workload measures for the following year.~~

15 *(2) The attendance hours generated by credit courses shall be*  
16 *funded at the marginal credit rate determined pursuant to*  
17 *paragraph (2) of subdivision (d) of Section 84750.5. The*  
18 *attendance hours generated by noncredit courses shall be funded*  
19 *at the noncredit rate determined pursuant to paragraph (3) of*  
20 *subdivision (d) of Section 84750.5. The attendance hours generated*  
21 *by instruction in career development and college preparation shall*  
22 *be funded at the rate determined pursuant to paragraph (4) of*  
23 *subdivision (d) of Section 84750.5.*

24 *(b) (1) A community college district shall not claim, for purposes*  
25 *of state apportionments under this section, a class to which either*  
26 *of the following applies:*

27 *(A) The district receives full compensation for its direct*  
28 *education costs for the conduct of the class from a public or private*  
29 *agency, individual, or group of individuals.*

30 *(B) The district has a contract or instructional agreement, or*  
31 *both, for the conduct of the class with a public or private agency,*  
32 *individual, or group of individuals that has received from another*  
33 *source full compensation for the costs the district incurs under*  
34 *that contract or instructional agreement.*

35 *(2) In reporting a claim for apportionment to the Chancellor*  
36 *of the California Community Colleges under this section, the*  
37 *district shall report any partial compensation it receives from the*  
38 *sources described in subparagraphs (A) and (B) of paragraph (1)*  
39 *during the period for which the claim is made. The chancellor*

1 *shall subtract the amount of any partial compensation received*  
2 *from the total apportionment to be paid.*

3 *(c) This section shall not be construed as providing a source of*  
4 *funds to shift, supplant, or reduce the costs incurred by the*  
5 *Department of Corrections and Rehabilitation in providing inmate*  
6 *education programs.*

7 ~~SECTION 1. It is the intent of the Legislature to enact~~  
8 ~~legislation that would authorize school districts to use innovative~~  
9 ~~and creative methods to raise revenue in the local community for~~  
10 ~~purposes of the school districts' educational programs.~~